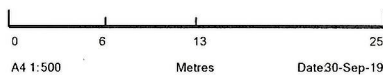
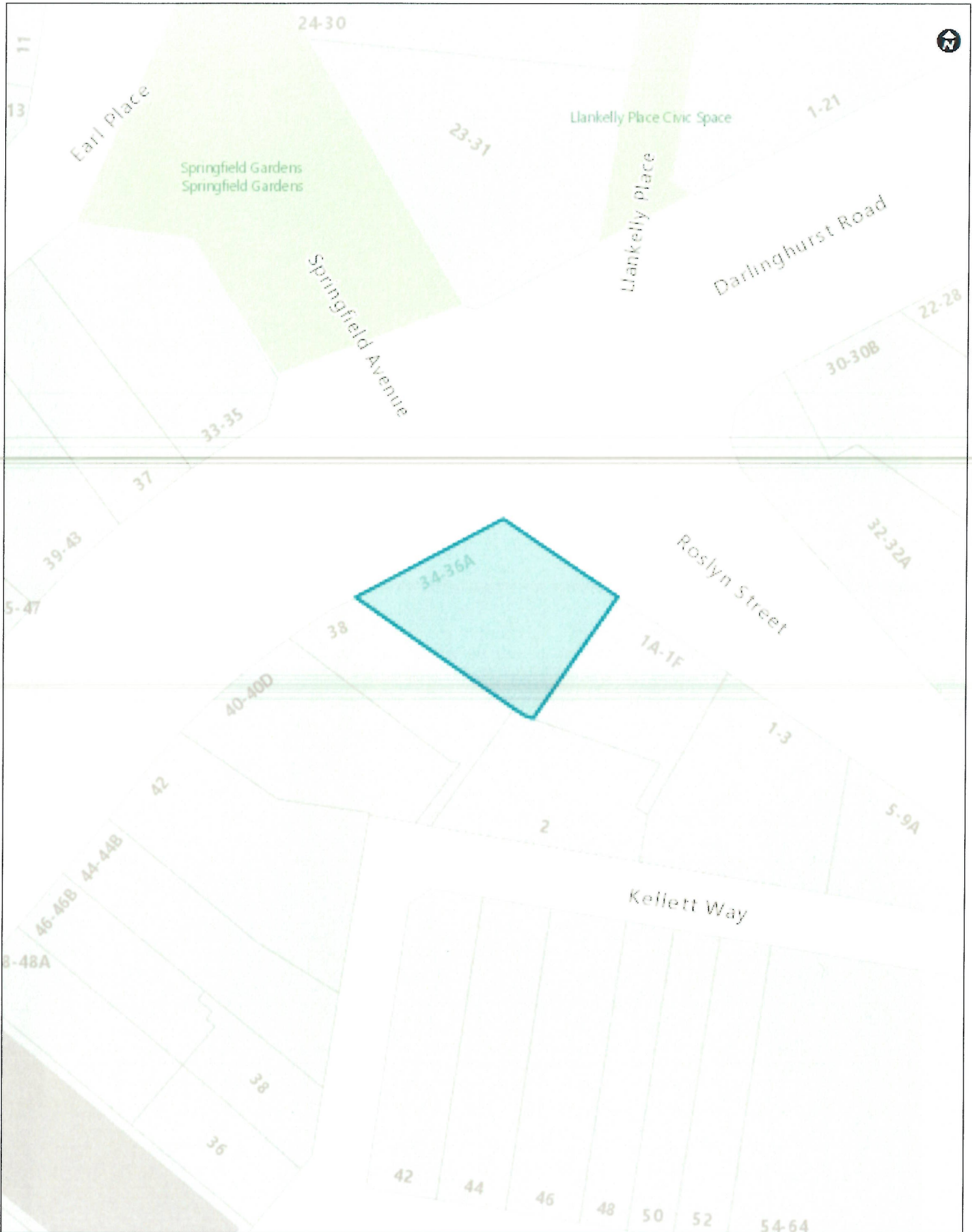


Attachment C

**Council Officer Inspection Report –
34-36A Darlinghurst Road, Potts Point**



**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM2162072

Officer: Chad Grant

Date: 3 October 2019

Premises: 34-36A Darlinghurst Road, Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 23 September 2019 with respect to matters of fire safety.

The premises consist of a four storey building. The ground floor accommodates several retail, takeaway and cafe tenancies and a mezzanine level accommodates a vacant restricted premises. The first, second and third floors are used as a backpackers known as 'Mad Monkey'.

An inspection of the premises undertaken by a Council investigation officer in the presence of the backpacker's manager revealed that there were no fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify the existence of combustible composite cladding on the façade of the building.

Chronology:

Date	Event
23/09/2019	FRNSW correspondence received regarding premises 34-36A Darlinghurst Road, Potts Point.
02/10/2019	An inspection of the subject premises was undertaken by a Council investigation officer which revealed that all issues raised by FRNSW had been rectified. The enquiry also raised concerns about fats and oils on the tin roof located at the adjacent premises, being 1A-1F Roslyn Street. Council has served an order to demolish the building structure (being the tin roof, insulated building panels and cool room) at 1A-1F Roslyn Street which is unauthorised. Council commenced proceedings in January 2019 against the Owners Corporation for Strata Plan 14824 of 1A-1F Roslyn St. The Owners Corporation has pleaded guilty to non-compliance with the Order, and the matter is listed for sentence on 4 November 2019. Council is informed that the Owners Corporation is seeking orders in the NSW Civil and Administrative Tribunal to obtain access to demolish the unauthorised structure.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/1458: D19/63431; 2019/481943]

FRNSW conducted an inspection of the subject premises on 5 September 2019 after receiving an enquiry dated 6 May 2019 about various fire safety issues with the building.

Issues

The report from FRNSW detailed various issues, in particular noting:

1. The Annual Fire Safety Statement displayed did not appear to be up to date.
2. The path of travel to an exit was obstructed.
3. An exit sign was not being maintained.
4. It is unclear whether a rear extension to the adjoining premises, 1A Roslyn Street, has been granted Council consent.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979
3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

The inspections undertaken by a Council investigation officer in company with the manager of the backpackers revealed that the above recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/492287-01
A2.	Locality Plan	2019/492287-02
A3	Attachment cover sheet	2019/492287-03

Trim Reference: 2019/492287

CSM reference No#: 2162072



File Ref. No: BFS19/1458 (7336)
TRIM Ref. No: D19/63431
Contact: [REDACTED]

23 September 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
MAD MONKEY BACKPACKERS
34-36A DARLINGHURST ROAD POTTS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 6 May 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Mad Monkey backpackers has a fire exit that leads from the rear of the building through an alley way to the front door of the building. The fire exit alley way on the ground floor runs past the adjoining building which houses a restaurant.

The restaurants exhaust chimney has fats and oils (products from cooking) leaking onto a single level tin roof and onto the ground of the fire exit of the backpackers. The tin roof has a build up of the fats and oils that are a fire risk to both premises.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 September 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the Environmental Planning and Assessment Regulation 2000 requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.

2. Access & Egress

- 2A. The fire-isolated stair serving the premises discharges to a passageway at the southeast of the building, between the subject premises and the adjacent property at 1A Roslyn Street. With regard to this passageway, the following issues were noted;
 - i. An exhaust flue which serves the adjacent restaurant does not appear to have been properly maintained, with grease and oils from the flue leaking onto the adjacent roof and then on to the passageway. The grease and oils, along with standing water on the path of travel to the exit, create a hazard which may impede the free passage of persons, contrary to the requirements of Clause 186 of the Environmental Planning and Assessment Regulation 2000.
 - ii. The unobstructed width of the path of travel to the exit appears to be less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.

- iii. The exit sign in the passageway was hanging down from its wall mount and does not appear to have been properly maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

3. Generally

- 3A. Insulated building panels have been used to construct a small addition to 1A Roslyn Street, adjacent to the abovementioned passageway. It could not be determined at the time of the inspection whether or not the panels comply with Clause C1.9 of the NCC. It is unclear whether development consent has been granted for this addition. In that regard, an inspection and review of council's records may be required.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item nos. 1, 2 and 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/1458 (7336) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit